7: Furnivall G-4.5 (no date) 1948 ALI Southeast Asia ALI

were such as to develop their worse rather than their better qualities. Our methods might have done very well for Europe; they may have been suitable in India, where the people are protected against economic forces by the ties of caste, but they did not suit the Burman. 'It was the best butter', said the Hatter; but it spoiled the watch.

Clerical Unrest. In Burma the turbulence prevalent among the monks is one of the more recent features of social disorder and unrest, but it is merely one aspect of the dissolution of society indicated by the growth of crime. In Java there is nothing of the kind. As already noticed, causes relating to religion are tried in special Moslem courts, instead of, as in Burma, coming before the ordinary lay court; and the law applied is Moslem ecclesiastical law as interpreted by native Moslem judges, whereas in Burma the rule of decision is looked for in the *dhammathats* as interpreted on the principles of western law. The procedure in Java does not weaken but fosters corporate authority in the religious establishment. Moreover, the village clerics are appointed by or with the approval of the Regent, whereas in Burma the Government has held aloof from all concern with promoting the establishment, while actively breaking it down by the transfer of religious causes to the civil courts. The Dutch have with good reason tried to conciliate Moslem sentiment and, even if they have not been wholly successful, there is nothing in Java corresponding to the clerical unrest in Burma.[1]

Corruption. We have had to notice the prevalence of corruption in Burma. By all accounts it is practically unknown in Java. The absence of judicial corruption can easily be understood. Petty cases are settled by arbitration either out of court, or before a bench of notables with a senior and well-paid official as chairman; or they go before a civil servant or judicial officer with long service and on high pay. Moreover, the penalties imposed are so trivial that it is cheaper to be punished than to bribe a policeman or magistrate to escape punishment. Serious matters go before a bench containing at least three high judicial officers as well as laymen of good standing. It would be difficult and dangerous to bribe the whole bench. In civil cases the decision purports to follow customary law, and the people can know whether it is right; the court must justify itself to popular opinion and not to higher judicial authority. In these circumstances there is little scope for bribery.

But that corruption should be unknown in general administration,

[1] Bousquet, pp. 51 ff.; *Vrij Nederland*, 27 Nov. 1943.